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# Drycleaning Environmental Response Trust (DERT) Fund Frequently Asked Questions

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**Q: Why am I required to pay the dry cleaner registration surcharge?**

**A:** Missouri's Drycleaning Environmental Response Trust (DERT) Fund was established by Senate Bill 577 and authorized in RSMo 260.920. The DERT fund was established to provide moneys for investigation, assessment, and remediation of releases of chlorinated solvents from dry cleaning facilities. The DERT Fund is a state fund and is administered by the Hazardous Waste Management Commission. Operators of an active dry cleaning facility are required to register with the department, as outlined in RSMo 260.915. Each active dry cleaning facility is required to pay an annual registration surcharge based upon the number of gallons of chlorinated solvents used during the calendar year, as outlined in RSMo 260.935. Registration forms are available online from the department's Web site at [www.dnr.mo.gov/eservices.htm](http://www.dnr.mo.gov/eservices.htm).

**Q: Is there anything that dry cleaners can do in order to avoid paying the registration surcharge fee?**

**A:** No. This surcharge is required under Section 260.935 RSMo. Dry cleaning facilities that use chlorinated solvents are required to complete the *Dry Cleaner Registration* form, register with the department and pay the surcharge. They may not have to register as a hazardous waste generator because they do not generate or accumulate enough hazardous waste to be regulated.

**Q: Are any dry cleaning facilities exempt from paying the Dry Cleaner Registration Surcharge?**

**A:** Yes. Dry cleaning facilities at prisons, governmental entities, hotels, motels, industrial laundries, or facilities that use non-chlorinated solvents are exempt from paying the dry cleaner surcharge. Coin operated dry cleaning facilities are not exempt from paying the dry cleaner surcharge.

**Q: I am a dry cleaner and I signed a lease with my landlord that requires me to have insurance. Will I still need to pay the Dry Cleaner Registration Surcharge and register with the department?**

**A:** Yes. All dry cleaners that use chlorinated solvents are required to register with the department and pay the registration surcharge. There may be some other requirements that local governments or landlords impose on dry cleaners with which the department has no involvement.



**Q: I lease the building that my dry cleaning business is in. Who should I list as the property owner?**

**A:** You should list the actual person or business that owns the property that the dry cleaner is located on or in. If the building is leased, this would be the person from which you lease the property.

**Q: Where do I send the Dry Cleaner Registration Surcharge payment, who do I make the check payable to, what type of payments are accepted?**

The payment should be made out and sent to

Missouri Department of Natural Resources  
Hazardous Waste Program  
DERT Fund  
P.O. Box 176  
Jefferson City, MO 65102

At this time, only checks and money orders are accepted. You should send separate checks for emissions fees (Air Pollution Control Program) and dry cleaner registration fees (Hazardous Waste Program).

**Q: RSMo 260.935 states that the department will provide each person who pays a dry cleaning facility registration surcharge with a receipt. Why haven't I received a receipt?**

**A:** Contact the DERT Fund at (573) 526-8913 to ask about your receipt.

**Q: Can I deduct my local air emission fees from the amount of my dry cleaner registration fee?**

**A:** No. Dry cleaner registration fees must be paid in full amounts based on the size of the dry cleaner. These may not be reduced by what you are paying for any other fees. Also, the dry cleaner registration fee must be paid with a separate check from any other emissions fees.

**Q: I used to operate a dry cleaning facility. What are considered eligible costs from the DERT Fund?**

**A:** Eligible costs include the following:

1. Investigation or assessment of a release of chlorinated solvents from a dry cleaning facility, including any contamination that may have migrated off-site,
2. Necessary and appropriate emergency action to assure that human health or safety is not threatened by a release or potential release,
3. Remediation of releases of chlorinated solvents from a dry cleaning facility, including any contamination that may have migrated off-site,
4. Operation and maintenance of corrective action,
5. Monitoring of releases of chlorinated solvents from a dry cleaning facility, including any contamination that may have migrated off-site,

6. Reasonable costs of restoring property as nearly as practicable to the condition that existed prior to activities associated with the investigation or remediation activities,
7. Removal and proper disposal of wastes generated by a release of a chlorinated dry cleaning solvent.

**Q: I have PCE contamination on my property, but the site never contained a dry cleaner. Can I use the DERT Fund for cleanup costs?**

**A:** No. Moneys from the DERT Fund may not be used for the following activities:

1. Corrective action at sites with solvent contamination that did not result from a dry cleaner site,
2. Corrective action at sites, other than dry cleaning sites, that were contaminated by chlorinated dry cleaning solvents which were released while in transport to or from a dry cleaning site,
3. To pay a fine or penalty brought against a dry cleaning facility operator under state or federal law,
4. To pay any costs related to corrective action at a dry cleaning facility on the EPA's National Priorities List (NPL),
5. Corrective action at dry cleaning facilities where the owner or operator is not in compliance with RSMo 260.900 to 260.965 and rules and regulations or orders of the director pursuant to RSMo 260.900 to 260.965, or any other applicable federal or state statutes, rules or regulations,
6. Corrective action at abandoned dry cleaner facilities that have been taken out of service prior to July 1, 2009, and not documented or reported to the department by July 1, 2009.

**Q: Is there a deductible amount for this fund?**

**A:** Yes. The owner or operator of an active dry cleaning facility and the owner of an abandoned dry cleaning facility will be liable for the first \$25,000 of corrective action costs.

**Q: I own a property that has been used for several different purposes over its history, including an auto parts facility. Will all of the costs of remediation, after the \$25,000 deductible, be paid for at this site?**

**A:** Not necessarily. At any multi-source site, the department shall use the moneys in the fund to pay for the proportionate share of the liability for corrective action costs which is attributable to a release of chlorinated solvents from an active or abandoned dry cleaning facility, and that proportionate share of the liability only.

**Q: Is there a maximum amount of dollars that I will receive from the fund for investigation and remediation at dry cleaner sites?**

**A:** Yes. The fund shall not be liable for the payment of costs in excess of \$1 million at any one contaminated dry cleaning site. Additionally, the fund shall not be liable for the payment of costs for any one site in excess of 25 percent of the total fund balance during any fiscal year.

**Q: Is there a penalty for purchasing chlorinated dry cleaning solvents from a solvent supplier that does not pay the solvent surcharge fee?**

**A:** Yes. If an operator of a dry cleaning facility purchases or obtains chlorinated solvent from a seller/provider that does not pay the dry cleaning solvent surcharge, then the operator of the facility shall be required to pay the solvent surcharge, including a penalty of 15 percent and interest.

### **Related publications**

The following publications are available on the Web at [www.dnr.mo.gov/pubs/pubs.htm](http://www.dnr.mo.gov/pubs/pubs.htm).

*Transactions of Properties with Active or Abandoned Dry Cleaning Facilities* (PUB2134)

*Drycleaning Environmental Response Trust (DERT) Fund Claim Kit* (PUB2135)

*Drycleaning Environmental Response Trust (DERT) Fund - Frequently Asked Questions about Remediation* (PUB2136)

*Drycleaning Environmental Response Trust (DERT) Fund - Frequently Asked Questions about Registration* (PUB2137)

### **For More Information**

Missouri Department of Natural Resources

Hazardous Waste Program

P.O. Box 176

Jefferson City, MO 65102-0176

1-800-361-4827 or (573) 751-3176

[www.dnr.mo.gov/env/hwp/index.html](http://www.dnr.mo.gov/env/hwp/index.html)